

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Fraser, et al.
Appl. No.	:	10/614,392
Filed	:	July 7, 2003
For	:	SYSTEMS AND METHODS FOR TREATING PATIENTS WITH PROCESSED LIPOASPIRATE CELLS
Examiner	:	Leon B. Lankford, Jr.
Group Art Unit	:	1651

TERMINAL DISCLAIMER

Pursuant to 37 C.F.R. § 1.321(b), the undersigned attorney of record is empowered to act on behalf of the assignee (Cytori Therapeutics, Inc.).

In accordance with 37 C.F.R. § 3.73(a), Assignee represents that it is the owner of the entire right, title and interest to the above-referenced application, which is a divisional of U.S. Patent Application Serial No. 10/316,127, which is a non provisional of U.S. Provisional Application No. 60/338,856. The Assignment of U.S. Patent Application Serial No. 10/316,127 and all continuations and divisionals thereof, including the present application, from the inventors to Macropore Biosurgery, Inc., was recorded by the United States Patent and Trademark Office on June 10, 2005 and can be found at Reel No. 016685, Frame No. 0375. The Certificate of Ownership and Merger between Cytori Therapeutics, Inc. and Macropore Biosurgery, Inc., reflecting the conveyance of U.S. Patent Application Serial No. 10/316,127 and all continuations and divisionals thereof, including the present application, from Macropore Biosurgery, Inc. to Cytori Therapeutics, Inc., was recorded by the United States Patent and Trademark Office on June 7, 2007 and can be found at Reel No. 019408, Frame No. 0555. Copies of the Assignment and Certificate of Ownership and Merger are provided herewith. These documents represent the entire chain of title of this invention from the Inventors to the Assignee, including U.S. Patent Application Serial No. 10/316,127. Assignee represents that, to the best of its knowledge and belief, title is in the Assignee seeking to take action.

Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the above-captioned application which would extend beyond the expiration date of the full statutory term of any patents that issue to U.S. Patent Application Serial Nos. 10/614,644, 11/584,202, 10/614,431, and 10/614,643 and hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patents that issue to U.S. Patent Application Serial Nos. 10/614,644, 11/584,202, 10/614,431, and 10/614,643. This agreement

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extends to any patent granted on the above-captioned application and shall be binding on its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-referenced application prior to the earlier of the expiration date of the full statutory term of any patents that issue to U.S. Patent Application Serial Nos. 10/614,644, 11/584,202, 10/614,431, and 10/614,643, and that of any patent issuing on the above-captioned application in the event that either one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Feb. 11, 2008

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